

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
DOCKET NO. 3:08-cr-00109-W**

**DR. JOHN POWDERLY II AND CAROLINA  
BIOONCOLOGY INSTITUTE, PLLC,**

**Plaintiffs,**

**vs.**

**BLUE CROSS AND BLUE SHIELD OF  
NORTH CAROLINA; et. al.,**

**Defendants.**

**ORDER**

THIS MATTER is before the Court on Defendants' Motion to Strike the Expert Reports (Doc. No. 122). Pursuant to the oral ruling stated in open Court following a hearing on July 29, 2009, the motion is DENIED IN PART, specifically as to those portions of the expert report that demonstrate the expert's qualifications and methodology, and GRANTED IN PART as to the remainder of the report, including those portions providing the expert's opinion.

Furthermore, as explained in the Court's oral ruling, Plaintiff shall have until September 15, 2009, to prepare and serve a new expert report. Defendants shall have until October 15, 2009, to conduct a deposition of the expert and also to designate/redesignate a rebuttal expert. Any motions concerning the new expert report shall be filed with the Court no later than Friday, October 23, 2009, and all responses shall be filed no later than Friday, November 6, 2009, in order that the Court may promptly schedule a hearing.

Finally, trial in this matter is hereby CONTINUED from the September mixed term and shall be PEREMPTORILY set for trial beginning on December 7, 2009.

IT IS SO ORDERED.

Signed: August 3, 2009



Frank D. Whitney  
United States District Judge

